

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

In re:

Conseco, Inc., et al.,<sup>1</sup>

Debtors.

) Chapter 11 *49672*  
)  
) Case No. 02-49671  
)  
) (Jointly Administered)  
) Honorable Carol A. Doyle  
)

**AMENDED ORDER ESTABLISHING CERTAIN NOTICE, CASE MANAGEMENT  
AND ADMINISTRATIVE PROCEDURES**

*CTO INCLUDE EXHIBIT A)*

Upon the Motion<sup>2</sup> of the debtors and debtors in possession (collectively, the “Debtors”) seeking an order establishing certain notice, case management and administrative procedures for these Chapter 11 Cases; and it appearing that the relief requested is in the best interests of the Debtors’ estates, their creditors and other parties in interest; and it appearing that this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and it appearing that this matter is a core proceeding within the meaning of 28 U.S.C. § 157(a); and it appearing that venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice and the opportunity for a hearing has been given under the circumstances and that no other or further notice is necessary; and after due deliberation and sufficient cause appearing therefor; it is hereby:

ORDERED that the Motion is granted; and it is further

ORDERED that the notice, case management, and administrative procedures contained in Exhibit A attached hereto are hereby approved and shall govern all applicable aspects of these Chapter 11 Cases; and it is further

<sup>1</sup> The Debtors are the following entities: Conseco, Inc., CHHC, Incorporated, CTHHC, Inc., Partners Health Group, Inc., Conseco Finance Corp. and Conseco Finance Servicing Corp.

<sup>2</sup> Capitalized terms not defined herein are as defined in the Motion.

ORDERED that the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, as amended from time to time and as supplemented by any applicable General Orders entered in this District, shall apply to these Chapter 11 Cases, except to the extent that they conflict with the notice, case management and administrative procedures set forth in Exhibit A attached to the Motion; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or relating to the implementation of this Order; and it is further

ORDERED that notwithstanding the possible applicability of Bankruptcy Rules 6004(g), 7062, 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry; and it is further

ORDERED that all time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

Chicago, Illinois

Dated: ~~December~~, 2002

*Carol A. Doyle*  
United States Bankruptcy Judge *Quid*  
*Jan 2, 2003*

## **Amended Notice, Case Management and Administrative Procedures**

### **A. Hearings**

#### **1. Omnibus Hearings**

a. **All Matters to Be Heard** - The following will be considered and/or heard only at monthly omnibus hearings scheduled in advance by the Court (the "Omnibus Hearings"), unless the Court orders otherwise: all motions, pleadings, applications, and other requests for relief; all objections and responses; all replies thereto; and all other matters. All motions, pleadings, requests for relief, or other materials that purport to set a hearing on a date and/or time at which no Omnibus Hearing is set shall automatically and without court order be scheduled to be heard at the next Omnibus Hearing that is at least fourteen (14) days after the date that the Debtors' counsel actually received such motion, pleading, request for relief, or other materials. The Debtors shall send a copy of these Case Management Procedures within three (3) business days of receipt to any party who has filed such motion, pleading, request for relief, or other material.

b. **Future Hearings** - At or before any scheduled Omnibus Hearing, the Debtors shall request that additional Omnibus Hearings be scheduled. All future Omnibus Hearings scheduled by the Court shall be posted on the BMC Website at <http://www.bmccorp.net/conseco>. Entities may contact Bankruptcy Management Corporation at (888) 909-0100 or the Clerk of the Court at (312) 435-5694 for information concerning future Omnibus Hearings that have been scheduled by the Court.

#### **2. Emergency Hearings**

a. **Requesting Emergency Hearings** - Notwithstanding any procedure herein, nothing herein shall restrict an entity from requesting an emergency hearing pursuant to the Local Bankruptcy Rules.

#### **3. Hearing Agendas**

a. **Agenda Letters** - No later than forty-eight (48) hours before each Omnibus Hearing and as soon as practicable for all other hearings, the Debtors shall file with the Court a letter setting forth each matter to be heard at such hearing and the order in which such matters will be heard (the "Agenda Letter"). The Debtors shall concurrently serve the Agenda Letter on the Core Group and the 2002 List and each entity who has filed and served a Court Filing related to a matter to be heard at such hearing by the appropriate method of service, set forth herein.

i. **Matters Included on Agenda Letter** - The Agenda Letter shall include (i) only those matters for which Court Filings have been

timely filed and served in accordance with the procedures set forth herein and (ii) matters for which the Court has granted a request for an emergency hearing and the Debtors have received notice in such time as it is practicable for the Debtors to include such matters on the Agenda Letter.

ii. **Court Filings Not Included on Agenda Letter** - Any Court Filing that is not included on the Agenda Letter shall not be considered by the Court, provided, however, that the Court shall determine if it will consider a request for an emergency hearing.

**B. Notice, Filing and Service Procedures**

**1. Procedures Established for All Court Filings**

a. All documents filed in these Chapter 11 Cases, including but not limited to all motions, applications and other requests for relief and all briefs, memoranda, affidavits, declarations, and other documents filed in support of such papers seeking relief (collectively, the "Requests for Relief") and all objections and responses to such Requests for Relief (collectively, the "Objections") and all notices thereto (together with the Requests for Relief, Objections and all other filed documents, the "Court Filings") shall be filed with the Court or other applicable court and served in accordance with the procedures set forth herein; provided, however, that the procedures set forth herein shall not apply to Court Filings listed in Section [C.6.] below.

**2. Entities Entitled to Service**

a. All Court Filings shall be served on the Core Group, the 2002 List, and the Affected Entities (each as defined herein), according to the Notice Procedures described herein. A Court Filing is deemed not to have been properly served until served on all of the parties in the Core Group.

i. **Core Group** - The following entities shall comprise the core group of entities in these Chapter 11 Cases (collectively, the "Core Group"): (i) the Debtors; (ii) the Debtors' counsel; (iii) the Office of the United States Trustee; (iv) counsel to any official committee(s) appointed in these Chapter 11 Cases (the "Committee(s)"); (v) counsel to Lehman Brothers, Inc.; (vi) counsel to US Bank; and (vii) Bankruptcy Management Corporation, the official notice and claims agent in these Chapter 11 Cases (the "Official Notice and Claims Agent").

Debtors: Conseco, Inc. 11825 North Pennsylvania Street P.O. Box 1911 (46082) Carmel, Indiana 46032 Attn: David Herzog Phone: (317) 817-5031 Facsimile: (317) 817-6327	Counsel to Debtors and Debtors in Possession: Kirkland & Ellis 200 East Randolph Street Chicago, Illinois 60601 Attn: James H.M. Sprayregen, P.C. Anne Marrs Huber Anup Sathy Phone: (312) 861-2000
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Conseco Finance Corporation 345 St. Peter St., 1100 Landmark Towers Saint Paul, MN 55102 Attn: Brian Corey Phone: (651) 293-3472 Facsimile: (651) 293-5746	Facsimile: (312) 861-2200  Kirkland & Ellis 777 South Figueroa Street Los Angeles, California 90017-5800 Attn: Richard L. Wynne Phone: (213) 680-8400 Facsimile: (213) 680-8500
Office of the United States Trustee: 227 West Monroe Street, Suite 3350 Chicago, Illinois 60606 Attn: Richard Friedman Gretchen Silver Phone: (312) 886-5785 Facsimile: (312) 886-5794	Counsel to Committee: <to be included after Committee appointed and counsel is retained>
Counsel to Lehman Brothers, Inc.: Latham & Watkins 885 Third Avenue, Suite 1000 New York, New York 10022 Attn: Mark A. Broude Robert J. Rosenberg Phone: (212) 906-1200 Facsimile: (212) 751-4864	Counsel to US Bank: Faegre & Benson LLP 2200 Wells Fargo Center 90 South Seventh Street Minneapolis, Minnesota 55402-3901 Attn: James Stephenson Michael Stewart Phone: (612) 766-7928 Facsimile: (612) 766-1600
Official Notice and Claims Agent: Bankruptcy Management Corporation 1330 E. Franklin Avenue El Segundo, California 90245 Attn: Conseco, Inc. Notice Agent Phone: (888) 909-0100 Facsimile: (310) 640-8071	

ii. **2002 List** - This group shall be comprised of all entities who have filed a request for service of filings pursuant to Bankruptcy Rule 2002. An updated 2002 List can be viewed and retrieved by: (i) accessing the BMC Website at <http://www.bmccorp.net/conseco>; (ii) contacting the Official Notice and Claims Agent, Bankruptcy Management Corporation, Conseco, Inc. Notice Agent, 1330 E. Franklin Avenue, El Segundo, California 90245, telephone (888) 909-0100, facsimile (310) 640-8071; or (iii) contacting the Debtors' undersigned counsel.

iii. **Affected Entities** - This group shall be comprised of all entities with a particularized interest in the subject matter of the particular Court Filing (each, an "Affected Entity").

### 3. Service by E-mail

a. Only the Debtors and the E-mail Serving Parties (as defined below) are authorized to serve documents by e-mail; provided, however, that in any case the Core Group shall be served by hand or overnight delivery or facsimile, as appropriate.

b. All documents served by e-mail shall provide a link to access the entire document, including the proposed form(s) of order and any exhibits, attachments or other materials in “.pdf” format, readable by Adobe Acrobat or other equivalent document reader program commonly available without cost. E-mail service shall also include a link to the current 2002 List.

c. E-mail Serving Parties - Members of the Core Group may request, in writing, for authorization from the Debtors for such party to serve Court filings by e-mail; provided, however, that if the Debtors do not consent, in writing, to such party serving by e-mail or if the Debtors do not respond within twenty (20) days of such request, such party may petition the Court for authorization. Members of the Core Group may not serve Court Filings by e-mail before the party receives authority from Court or the Debtors’ consent to serve by e-mail.

d. The Debtors and parties authorized to serve by e-mail pursuant to Section [C.3.c.(2)(c)] (collectively, the “E-mail Serving Parties”) are authorized to serve all Court Filings by e-mail (subject to Section [C.3.C.(1)(a)]).

#### 4. Manner and Timing of Service

a. Requests for Relief

i. **Notice of Request for Relief** - Any entity filing a Request for Relief shall concurrently file and serve a notice of such Request for Relief. Each notice of Request for Relief shall conspicuously state: (i) the title of the Request for Relief; (ii) the time and date of any deadline to object thereto (which deadline shall be in accordance with Section [3.b.(1)] below, (iii) the Omnibus Hearing (or other hearing as ordered by the Court) for which the Request for Relief is set to be considered by the Court (the "Applicable Hearing"); and (iv) a statement that the relief requested in the Request for Relief may be granted by the Court without a hearing if no Objection thereto is timely filed and served in accordance with these Case Management Procedures.

ii. **Service by All Entities to Core Group** - All entities shall serve all Requests for Relief on the Core Group by hand or overnight delivery or facsimile.

iii. **Service by All Entities to 2002 List and Affected Entities** - All entities (except for the Debtors and the E-mail Serving Parties (as defined below)) shall serve all Requests for Relief on the 2002 List and Affected Entities (a) by U.S. mail, hand or overnight delivery, or facsimile if the Request for Relief is filed and served at least twenty (20) days prior to the Applicable Hearing Date and (b) by hand or overnight delivery or facsimile if the Request for Relief is filed and served less than twenty (20) days but at least fourteen (14) days prior to the Applicable Hearing Date.

iv. **Service of Requests for Relief for Which Particular Notices are Required by Bankruptcy Rules 2002(a)(2), 2002(a)(3), 4001, 6004, 6006, 6007 or 9019** - All Court Filings for which particular notices are required by Bankruptcy Rules 2002(a)(2), 2002(a)(3), 4001, 6004, 6006, 6007 or 9019, shall be served on the Core Group, the 2002 List and each Affected Entity, except as modified herein and unless otherwise authorized by the Court.

v. **Service of Requests for Relief Pursuant to 11 U.S.C. § 363(b)** - Notwithstanding Bankruptcy Rule 2002(a)(2), Requests for Relief related to the use, sale, lease or abandonment of property other than in the ordinary course of business shall be served only on the Core Group, the 2002 List and each entity asserting an interest in such property; provided, however, that if the Request for Relief relates to the sale of substantially all of the Debtors' assets, the movant shall seek authority to limit notice from that which the Bankruptcy Code, the Bankruptcy Rules and the Local Bankruptcy Rules require.

vi. **Service of Other Requests for Relief Described in Bankruptcy Rule 2002** - Except as set forth herein or as otherwise authorized by the Court, notice of contested matters and adversary proceedings described in Bankruptcy Rule 2002 shall be served in accordance thereof.